

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION**

ROBBY LYNN DAVIDSON

Petitioner,

v.

JIM MORROW, WARDEN,

Respondent.

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Case No. 2:07-0047

Judge Echols

ORDER

For the reasons explained in the Memorandum issued contemporaneously herewith, the Court rules as follows:

(1) The Report and Recommendation (Docket Entry No. 24) is hereby ACCEPTED and Respondent's Motion to Dismiss (Docket Entry No. 17) is GRANTED;

(2) Petitioner's Objections to the Report and Recommendation (Docket Entry No. 26) are hereby overruled; and

(3) This case is hereby DISMISSED WITH PREJUDICE.

Because Petitioner cannot demonstrate reasonable jurists would find the Court's assessment of Petitioner's claimed violations of his right to a fair and impartial trial debatable or wrong, or that jurists of reason would find it debatable whether the Court was correct in its rulings that there were no constitutional infirmities in Petitioner's trial, a Certificate of Appealability will not issue. See Slack v. McDaniel, 529 U.S. 473, 483-84 (2000).

IT IS SO ORDERED.



ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE